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9 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA,) Case No. SACV12-930 DOC (MLGx)
12 Plaintiff,)
13 vs.) REQUEST FOR CLERK'S ENTRY OF
14 NAGESH SHETTY, et al.,) DEFAULT AGAINST DEFENDANT MESA
15 Defendants.) VERDE PLAZA, LP, AS SUCCESSOR
IN INTEREST TO MESA VERDE DRIVE
PLAZA, A CALIFORNIA GENERAL
PARTNERSHIP

16
17 TO: THE CLERK OF THE ABOVE-ENTITLED COURT

18 The United States of America requests that the clerk enter
19 default against defendant MESA VERDE PLAZA, LP, AS SUCCESSOR IN
20 INTEREST TO MESA VERDE DRIVE PLAZA, A CALIFORNIA GENERAL
21 PARTNERSHIP, for its failure to answer the Complaint. In
22 support of this request, the United States alleges the
23 following:

24 1. Defendant MESA VERDE PLAZA, LP, AS SUCCESSOR IN INTEREST
25 TO MESA VERDE DRIVE PLAZA, A CALIFORNIA GENERAL PARTNERSHIP, was
26 made a party in this case by the Court's ORDER TO SUBSTITUTE
27 MESA VERDE PLAZA, LP, AS SUCCESSOR IN INTEREST TO MESA VERDE
28 DRIVE PLAZA, A CALIFORNIA GENERAL PARTNERSHIP, AS A PARTY FOR

1 DEFENDANT MESA VERDE DRIVE PLAZA, A CALIFORNIA GENERAL
2 PARTNERSHIP dated October 5, 2012, at ECF Document 38. A copy
3 of this order is attached to the accompanying declaration as
4 **Exhibit B**. A copy of this order was served upon the newly
5 substituted defendant as shown in the proof of service filed at
6 ECF Doc. 40.

7 2. On September 28, 2012, defendant MESA VERDE PLAZA, LP,
8 AS SUCCESSOR IN INTEREST TO MESA VERDE DRIVE PLAZA, A CALIFORNIA
9 GENERAL PARTNERSHIP, was served as set forth in Fed. R. Civ. P.
10 4(e)(1) and Cal. Code. Civ. Proc. § 415.30 by notice and
11 acknowledgement of receipt of the Summons and Complaint,
12 executed by Mark Les, General Partner, "GP." The NOTICE OF
13 ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT proving
14 service was filed with the Court on October 11, 2012, at ECF
15 Doc. 39, a copy of which is attached to the accompanying
16 declaration at **Exhibit A**.

17 3. Under Fed. R. Civ. P. 4(e)(3), defendant MESA VERDE
18 PLAZA, LP, AS SUCCESSOR IN INTEREST TO MESA VERDE DRIVE PLAZA, A
19 CALIFORNIA GENERAL PARTNERSHIP, then had 60 days to answer or
20 otherwise respond to the Complaint. This time period expired on
21 November 27, 2012.

22 4. To date, defendant MESA VERDE PLAZA, LP, AS SUCCESSOR
23 IN INTEREST TO MESA VERDE DRIVE PLAZA, A CALIFORNIA GENERAL
24 PARTNERSHIP, has failed to appear, answer or otherwise respond
25 to the Complaint as prescribed by the Federal Rules of Civil
26 Procedure.

1 5. The above-stated facts are set forth in the
2 accompanying Declaration of Assistant United States Attorney,
3 filed herewith in accordance with Fed. R. Civ. P. 55(a).

4 Respectfully submitted,

5 ANDRÉ BIROTTE JR., United States Attorney
6 *[Signature]*
7 DANIEL LAYTON, Asst. U.S. Attorney
8 Attorneys for the United States of America
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DATE: 12/10/2012

1 **DECLARATION OF ASSISTANT UNITED STATES ATTORNEY**

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3 Pursuant to 28 U.S.C. 1746, I declare and state as follows:

4 1. I, Daniel Layton, am over 18 years of age and am
5 competent to testify to the facts set forth in this declaration.

6 2. I am a member of the bar of this Court and I am
7 currently an Assistant United States Attorney in the Tax
8 Division of the United States Attorney's Office for the Central
9 District of California.

10 3. In my capacity as an Assistant U.S. Attorney, I am the
11 attorney assigned to represent the United States in this matter
12 at case number SACV12-930 DOC (MLGx).

13 4. Defendant MESA VERDE PLAZA, LP, AS SUCCESSOR IN INTEREST
14 TO MESA VERDE DRIVE PLAZA, A CALIFORNIA GENERAL PARTNERSHIP, was
15 made a party in this case by the Court's ORDER TO SUBSTITUTE
16 MESA VERDE PLAZA, LP, AS SUCCESSOR IN INTEREST TO MESA VERDE
17 DRIVE PLAZA, A CALIFORNIA GENERAL PARTNERSHIP, AS A PARTY FOR
18 DEFENDANT MESA VERDE DRIVE PLAZA, A CALIFORNIA GENERAL
19 PARTNERSHIP dated October 5, 2012, at ECF Document 38 (a copy of
20 which is attached hereto as **Exhibit B**). A copy of this order was
21 served upon the newly substituted defendant as shown in the
22 proof of service filed at ECF Doc. 40.

23 5. As shown in the NOTICE OF ACKNOWLEDGMENT OF RECEIPT OF
24 SUMMONS AND COMPLAINT filed with the Court on October 11, 2012,
25 at ECF Doc. 39 (a copy of which is attached hereto as **Exhibit**
26 **A**), on September 28, 2012, defendant MESA VERDE PLAZA, LP, AS
27 SUCCESSOR IN INTEREST TO MESA VERDE DRIVE PLAZA, A CALIFORNIA
28 GENERAL PARTNERSHIP, was served as set forth in Fed. R. Civ. P.

1 4(e)(1) and Cal. Code. Civ. Proc. § 415.30 by notice and
2 acknowledgement of receipt of the Summons and Complaint,
3 executed by Mark Les, General Partner, "GP."

4 6. Under Fed. R. Civ. P. 4(e)(3), defendant MESA VERDE
5 PLAZA, LP, AS SUCCESSOR IN INTEREST TO MESA VERDE DRIVE PLAZA, A
6 CALIFORNIA GENERAL PARTNERSHIP, then had 60 days to answer or
7 otherwise respond to the Complaint. This time period expired on
8 November 27, 2012.

9 7. To date, defendant MESA VERDE PLAZA, LP, AS SUCCESSOR
10 IN INTEREST TO MESA VERDE DRIVE PLAZA, A CALIFORNIA GENERAL
11 PARTNERSHIP, has failed to appear, answer or otherwise respond
12 to the Complaint as prescribed by the Federal Rules of Civil
13 Procedure.

14
15 I declare, in the State of California, under penalty of
16 perjury, that the foregoing is true and correct.

17
18 Date:

12/10/2012



DANIEL LAYTON

Assistant United States Attorney

EXHIBIT A

ANDRE BIROTTE, JR., U.S. Attorney
 Sandra R. Brown, AUSA, Chief, Tax Div.
 Daniel Layton, AUSA (SBN 240763)
 300 N Los Angeles St, Ste 7211, Los Angeles CA 90012
 T213.894.6165 F213.894.0115 daniel.layton@usdoj.gov
 Attorneys for Plaintiff United States of America

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

CASE NUMBER

SACV12-930-DOC (MLGx)

PLAINTIFF(S)

NAGESH SHETTY, et al.,

v.

NOTICE AND ACKNOWLEDGMENT OF
 RECEIPT OF SUMMONS AND COMPLAINT
 (For use with State Service only)

DEFENDANT(S).

To: MESA VERDE PLAZA, LP, as successor in interest to Mesa Verde Drive Plaza, a California General Partnership

The summons and complaint served herewith are being served pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure and Section 415.30 of the California Code of Civil Procedure.

You may complete the acknowledgment part of this form and return the completed form to the sender within twenty (20) days.

If you are served on behalf of a corporation, unincorporated association including a partnership, or other entity, you must indicate under your signature your relationship to that entity and your authorization to receive process for that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate your authority under your signature.

IF YOU DO NOT complete and return the form to the sender within twenty (20) days, you (or the party on whose behalf you are being served), may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

IF YOU DO complete and return this form, you (or the party on whose behalf you are being served), must answer the complaint within the time provided in Rule 12 of the Federal Rules of Civil Procedure or judgment by default may be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint was mailed on 9/28/12.

Signature of Sender

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

(To be completed by recipient)

I declare under penalty of perjury, that I received a copy of the summons and complaint in the above-captioned matter at

1909 HUMMINGBIRD DR., COSTA MESA, CA 92626 on SEPT. 20TH, 2012

Address

Date

Signature

Relationship to Entity/Authority to Receive Service of Process

EXHIBIT B

1 ANDRÉ BIROTTE JR.
2 United States Attorney
3 SANDRA R. BROWN
4 Assistant United States Attorney
5 Chief, Tax Division
6 DANIEL LAYTON (SBN 240763)
7 Assistant United States Attorney
8 Room 7211, Federal Building
9 300 North Los Angeles Street
10 Los Angeles, CA 90012
11 Telephone: (213) 894-6165
12 Facsimile: (213) 894-0115

13 Attorneys for the United States of America

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 SOUTHERN DIVISION

17 UNITED STATES OF AMERICA,	)	Case No. SACV12-0930-DOC (MLGx)
18 Plaintiff,)	
19 vs.)	
20 NAGESH SHETTY, et al.,	)	ORDER TO SUBSTITUTE MESA
21 Defendants.	)	VERDE PLAZA, LP, AS
	)	SUCCESSOR IN INTEREST TO
	)	MESA VERDE DRIVE PLAZA, A
	)	CALIFORNIA GENERAL
	)	PARTNERSHIP, AS A PARTY FOR
	)	DEFENDANT MESA VERDE DRIVE
	)	PLAZA, A CALIFORNIA GENERAL
	)	PARTNERSHIP

22
23 Based upon the application of the United States of America, and for good
24 cause appearing therefore:

25 **IT IS ORDERED** that Mesa Verde Plaza, LP, as successor in interest to
26 Mesa Verde Drive Plaza, a California General Partnership, is substituted as a party
27 for defendant Mesa Verde Drive Plaza, a California General Partnership. Plaintiff
28 is ordered to promptly serve defendant Mesa Verde Plaza, LP, as successor in

1 interest to Mesa Verde Drive Plaza, a California General Partnership, with this
2 order by certified mail. Defendant will have 30 days from the date of plaintiff's
3 service of this order to prepare and serve its response to the Complaint.

4 **IT IS SO ORDERED.**

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7 DATED: October 5, 2012

David O. Carter

HON. DAVID O. CARTER
United States District Judge

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11 Respectfully submitted,

12 ANDRÉ BIROTTE JR., United States Attorney
13 SANDRA R. BROWN, Assistant U.S. Attorney
14 Chief, Tax Division

15 DANIEL LAYTON
16 Assistant United States Attorney
17 Attorneys for the United States of America
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PROOF OF SERVICE BY MAILING

I am over the age of 18 and not a party to the within action. I am employed by the Office of the United States Attorney, Central District of California. My business address is 300 North Los Angeles Street, Suite 7211, Los Angeles, California 90012.

On **December 11, 2012**, I served

Request for Clerk's Entry of Default Against Defendant Mesa Verde Plaza, LP, as Successor in Interest to mesa Verde Drive Plaza, a California General Partnership on the person and entity name below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices. I am readily familiar with the practice of this office for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

SEE ATTACHED.

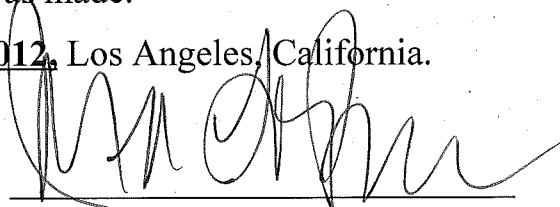
Date of mailing: **December 11, 2012**.

Place of mailing: Los Angeles, California

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on: **December 11, 2012**, Los Angeles, California.



MARIA LUISA Q. BULLARD

USA V. NAGESH SHETTY
SA CV 12-930 DOC(MLGx)

SERVICE LIST:

Mesa Verde Plaza, LP as Successor in Interest to
Mesa Verde Drive Plaza
a California General Partnership
C/O Mark Les, General Partner
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Costa Mesa, CA 92626

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